IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 7592 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

UNITED INDIA INSURANCE CO. LTD

Versus

KARABHAI PARABAT AAGATH

Appearance:

MS MEGHA JANI for Petitioner

MR DAGALI for Respondent No. 2 & 3

MR SANDIP C SHAH for Respondent No. 4

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 11/09/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the appellant and learned counsel for respondents No.2, 3 and 4. Other respondents need not be served since they are not adversely affected by the present judgement and order.

2. The appellant herein challenges the judgement and award passed by the Tribunal u/s 140 of the Motor Vehicles Act, 1988.

3. What requires to be noted is that the said order is an order below exh.6 in the main Claim Petition No. 135/98, which is pending before the Motor Accident Claims Tribunal.

4. A plain perusal of the impugned order makes it clear that it is in the nature of an interim order, which would be subject to adjustment against the final award which may be passed in the main Claim Petition No. 135/98.

5. The question sought to be raised in the present appeal, as regards liability of the appellant is, on the peculiar facts and circumstances of the case, merely an academic point, and serves no useful purpose so far as the rights of the parties are concerned.

6. It is therefore directed that the amount of Rs.12,500/- deposited in this Court by the appellant shall be transmitted to the Tribunal forthwith, that is to say, not later than 15th September 2000. The Tribunal shall take up hearing of the said case as expeditiously as possible, and dispose of the same latest by 31st March 2001. The amount transmitted by this Court to the Tribunal shall be dealt with as provided by the order of the Tribunal below exh.6.

7. This appeal is accordingly disposed of with no orders as to costs.

SEPTEMBER 11, 2000 [Y.B.BHATT, J.]
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